



**NATIONAL SEA GRANT COLLEGE PROGRAM ACT**



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July 1, 2010

## NATIONAL SEA GRANT COLLEGE PROGRAM ACT

[Public Law 89-688, Approved Oct. 15, 1966, 80 Stat. 998]

[Amended through Public Law 110-394, Enacted October 13, 2008]

AN ACT To amend the Marine Resources and Engineering Development Act of 1966 to authorize the establishment and operation of sea grant colleges and programs by initiating and supporting programs of education and research in the various fields relating to the development of maritime resources, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, \* \* \**

### TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM

#### SEC. 201. [33 U.S.C. 1121 note] SHORT TITLE.

This title may be cited as the “National Sea Grant College Program Act”.

#### SEC. 202. [33 U.S.C. 1121] DECLARATION OF POLICY.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The national interest requires a strategy to—

(A) provide for the understanding and wise use of ocean, coastal, and Great Lakes resources and the environment;

(B) foster economic competitiveness;

(C) promote public stewardship and wise economic development of the coastal ocean and its margins, the Great Lakes, and the exclusive economic zone;

(D) encourage the development of preparation, forecast, analysis, mitigation, response, and recovery systems for coastal hazards;

(E) understand global environmental processes and their impacts on ocean, coastal, and Great Lakes resources; and

(F) promote domestic and international cooperative solutions to ocean, coastal, and Great Lakes issues.

(2) Investment in a strong program of integrated research, education, extension, training, technology transfer, and public service is essential for this strategy.

(3) The expanding use and development of ocean, coastal, and Great Lakes resources resulting from growing coastal area populations and the increasing pressures on the coastal and Great Lakes environment challenge the ability of the United States to manage such resources wisely.

(4) The vitality of the Nation and the quality of life of its citizens depend increasingly on the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources. These resources supply food, energy, and minerals and contribute to human

health, the quality of the environment, national security, and the enhancement of commerce.

(5) The understanding, assessment, development, management, utilization, and conservation of such resources require a broad commitment and an intense involvement on the part of the Federal Government in continuing partnership with State and local governments, private industry, universities, organizations, and individuals concerned with or affected by ocean, coastal, and Great Lakes resources.

(6) The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and engagement through the promotion of activities that will result in greater such understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment, development, management, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.

(b) OBJECTIVE.—The objective of this title is to increase the understanding, assessment, development, management, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources by providing assistance to promote a strong educational base, responsive research and training activities, broad and prompt dissemination of knowledge and techniques, and multidisciplinary approaches to environmental problems.

(c) PURPOSE.—It is the purpose of the Congress to achieve the objective of this title by extending and strengthening the national sea grant program, initially established in 1966, to promote integrated research, education, training, and extension services and activities in fields related to ocean, coastal, and Great Lakes resources.

**SEC. 203. [33 U.S.C. 1122] DEFINITIONS.**

As used in this title—

(1) The term "Administration" means the National Oceanic and Atmospheric Administration.

(2) The term "Director" means the Director of the national sea grant college program,<sup>1</sup> appointed pursuant to section 204(b).

(3) the<sup>2</sup> term "director of a sea grant college" means a person designated by his or her institution to direct a sea grant college or sea grant institute.

(4) The term "field related to ocean, coastal, and Great Lakes resources" means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, management, utiliza-

<sup>1</sup> So in law. Should be "Director of the National Sea Grant College Program".

<sup>2</sup> So in original. Probably should be "The".

tion, or conservation of ocean, coastal, or Great Lakes resources.

(5) The term “institution” means any public or private institution of higher education, institute, laboratory, or State or local agency.

(6) The term “includes” and variants thereof should be read as if the phrase “but is not limited to” were also set forth.

(7) The term “ocean, coastal, and Great Lakes resources” means the resources that are located in, derived from, or traceable to, the seabed, subsoil, and waters of—

(A) the coastal zone, as defined in section 304(1) of the Coastal Zone Management Act (16 U.S.C. 1453(1));

(B) the Great Lakes;

(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);

(D) the territorial sea;

(E) the exclusive economic zone;

(F) the Outer Continental Shelf; and

(G) the high seas.

(8) The term “resource” means—

(A) living resources (including natural and cultured plant life, fish, shellfish, marine mammals, and wildlife);

(B) nonliving resources (including energy sources, minerals, and chemical substances);

(C) the habitat of a living resource, the coastal space, the ecosystems, the nutrient-rich areas, and the other components of the marine environment that contribute to or provide (or which are capable of contributing to or providing) recreational, scenic, esthetic, biological, habitational, commercial, economic, or conservation values; and

(D) man-made, tangible, intangible, actual, or potential resources.

(9) The term “Board” means the National Sea Grant Advisory Board established under section 209.

(10) The term “person” means any individual; any public or private corporation, partnership, or other association or entity (including any sea grant college, sea grant institute or other institution); or any State, political subdivision of a State, or agency or officer thereof.

(11) The term “project” means any individually described activity in a field related to ocean, coastal, and Great Lakes resources involving research, education, training, or extension services administered by a person with expertise in such a field.

(12) The term “sea grant college” means any institution, or any association or alliance of two or more such institutions, designated as such by the Secretary under section 207 of this Act.

(13) The term “sea grant institute” means any institution, or any association or alliance of two or more such institutions,

designated as such by the Secretary under section 207 of this Act.

(14) The term “sea grant program” means a program of research and outreach which is administered by one or more sea grant colleges or sea grant institutes.

(15) The term “Secretary” means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

(16) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States.

**SEC. 204. [33 U.S.C. 1123] NATIONAL SEA GRANT COLLEGE PROGRAM.**

(a) PROGRAM MAINTENANCE.—The Secretary shall maintain within the Administration a program to be known as the national sea grant college program. The national sea grant college program shall be administered by a national sea grant office within the Administration.

(b) PROGRAM ELEMENTS.—The national sea grant college program shall consist of the financial assistance and other activities authorized in this title, and shall provide support for the following elements—

(1) sea grant programs that comprise a national sea grant college program network, including international projects conducted within such programs and regional and national projects conducted among such programs;

(2) administration of the national sea grant college program and this title by the national sea grant office and the Administration;

(3) the fellowship program under section 208; and

(4) any regional or national strategic investments in fields relating to ocean, coastal, and Great Lakes resources developed in consultation with the Board and with the approval of the sea grant colleges and the sea grant institutes.

(c) RESPONSIBILITIES OF THE SECRETARY.—

(1) The Secretary, in consultation with the Board, sea grant colleges, and sea grant institutes, shall develop at least every 4 years a strategic plan that establishes priorities for the national sea grant college program, provides an appropriately balanced response to local, regional, and national needs, and is reflective of integration with the relevant portions of the strategic plans of the Department of Commerce and of the Administration.

(2) The Secretary, in consultation with the Board, sea grant colleges, and sea grant institutes, shall establish guidelines related to the activities and responsibilities of sea grant colleges and sea grant institutes. Such guidelines shall include requirements for the conduct of merit review by the sea grant colleges and sea grant institutes of proposals for grants and contracts to be awarded under section 205, providing, at a minimum, for standardized documentation of such proposals and peer review of all research projects.

(3) The Secretary shall by regulation prescribe the qualifications required for designation of sea grant colleges and sea grant institutes under section 207.

(4) To carry out the provisions of this title, the Secretary may—

(A) appoint, assign the duties, transfer, and fix the compensation of such personnel as may be necessary, in accordance with civil service laws;

(B) make appointments with respect to temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code;

(C) publish or arrange for the publication of, and otherwise disseminate, in cooperation with other offices and programs in the Administration and without regard to section 501 of title 44, United States Code, any information of research, educational, training or other value in fields related to ocean, coastal, or Great Lakes resources;

(D) enter into contracts, cooperative agreements, and other transactions without regard to section 5 of title 41, United States Code;

(E) notwithstanding section 1342 of title 31, United States Code, accept donations and voluntary and uncompensated services;

(F) accept funds from other Federal departments and agencies, including agencies within the Administration, to pay for and add to grants made and contracts entered into by the Secretary; and

(G) promulgate such rules and regulations as may be necessary and appropriate.

(d) DIRECTOR OF THE NATIONAL SEA GRANT COLLEGE PROGRAM.—

(1) The Secretary shall appoint, as the Director of the National Sea Grant College Program, a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to ocean, coastal, and Great Lakes resources. The Director shall be appointed and compensated, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, at a rate payable under section 5376 of title 5, United States Code.

(2) Subject to the supervision of the Secretary, the Director shall administer the national sea grant college program and oversee the operation of the national sea grant office. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

(A)<sup>1</sup> facilitate and coordinate the development of a strategic plan under subsection (c)(1);

(B) advise the Secretary with respect to the expertise and capabilities which are available within or through the national sea grant college program and encourage the use of such expertise and capabilities, on a cooperative or other

<sup>1</sup>Section 5(c)(1) of Public Law 110-394 amends section 204(d)(2)(A) by striking “long range”. The amendment was executed by striking “long-range” in order to reflect the probable intent of the Congress.

basis, by other offices and activities within the Administration, and other Federal departments and agencies;

(C) advise the Secretary on the designation of sea grant colleges and sea grant institutes, and, if appropriate, on the termination or suspension of any such designation; and

(D) encourage the establishment and growth of sea grant programs, and cooperation and coordination with other Federal activities in fields related to ocean, coastal, and Great Lakes resources.

(3) With respect to sea grant colleges and sea grant institutes, the Director shall—

(A) evaluate and assess the performance of the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary under subsection (c), and determine which of the programs are the best managed and carry out the highest quality research, education, extension, and training activities;

(B) subject to the availability of appropriations, allocate funding among sea grant colleges and sea grant institutes so as to—

(i) promote healthy competition among sea grant colleges and institutes;

(ii) encourage collaborations among sea grant colleges and sea grant institutes to address regional and national priorities established under subsection (c)(1);

(iii) ensure successful implementation of sea grant programs;

(iv) to the maximum extent consistent with other provisions of this Act, provide a stable base of funding for sea grant colleges and institutes;

(v) encourage and promote coordination and cooperation between the research, education, and outreach programs of the Administration and those of academic institutions; and

(vi)<sup>1</sup> encourage cooperation with Minority Serving Institutions to enhance collaborative research opportunities and increase the number of such students graduating in NOAA science areas; and

(C) ensure compliance with the guidelines for merit review under subsection (c)(2).

**SEC. 205. [33 U.S.C. 1124] CONTRACTS AND GRANTS.**

(a) IN GENERAL.—The Secretary may make grants and enter into contracts under this subsection to assist any sea grant program or project if the Secretary finds that such program or project will—

(1) implement the objective set forth in section 202(b); and

(2) be responsive to the needs or problems of individual States or regions.

The total amount paid pursuant to any such grant or contract may equal  $66\frac{2}{3}$  percent, or any lesser percent, of the total cost of the

<sup>1</sup>Margin so in law.



sea grant program or project involved; except that this limitation shall not apply in the case of grants or contracts paid for with funds accepted by the Secretary under section 204(c)(4)(F) or that are appropriated under section 208(b).

(b) SPECIAL GRANTS.—The Secretary may make special grants under this subsection to implement the objective set forth in section 202(b). The amount of any such grant may equal 100 percent, or any lesser percent, of the total cost of the project involved. No grant may be made under this subsection unless the Secretary finds that—

(1) no reasonable means is available through which the applicant can meet the matching requirement for a grant under subsection (a);

(2) the probable benefit of such project outweighs the public interest in such matching requirement; and

(3) the same or equivalent benefit cannot be obtained through the award of a contract or grant under subsection (a).<sup>1</sup>

The<sup>2</sup> total amount that may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 212.

(c) ELEGIBILITY AND PROCEDURE.—Any person may apply to the Secretary for a grant or contract under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Secretary shall by regulation prescribe. The Secretary shall act upon each such application within 6 months after the date on which all required information is received.

(d) TERMS AND CONDITIONS.—(1) Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in paragraphs (2), (3), and (4) and to such other terms, conditions, and requirements as the Secretary deems necessary or appropriate. Terms, conditions, and requirements imposed by the Secretary under this paragraph shall minimize any requirement of prior Federal approval.

(2) No payment under any grant or contract under this section may be applied to—

(A) the purchase or rental of any land; or

(B) the purchase, rental, construction, preservation, or repair of any building, dock, or vessel;

except that payment under any such grant or contract may be applied to the short-term rental of buildings or facilities for meetings which are in direct support of any sea grant program or project and may, if approved by the Secretary, be applied to the purchase, rental, construction, preservation, or repair of non-self-propelled habitats, buoys, platforms, and other similar devices or structures, or to the rental of any research vessel which is used in direct support of activities under any sea grant program or project.

<sup>1</sup>Section 4(b)(1)(B) of Public Law 102-186 attempted to amend section 205(b)(3) by striking “or section 206 of this title”. The words “of this title” probably should not have appeared. The amendment was executed according to the probable intent of Congress.

<sup>2</sup>So in law. The flush matter following subsection (b)(3) probably should not include the indentation. See amendment made by section 6(2) of Public Law 110-394.

(3) The total amount which may be obligated for payment pursuant to grants made to, and contracts entered into with, persons under this section within any one State in any fiscal year shall not exceed an amount equal to 15 percent of the total funds appropriated for such year pursuant to section 212.

(4) Any person who receives or utilizes any proceeds of any grant or contract under this section shall keep such records as the Secretary shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost which was provided through other sources. Such records shall be maintained for 3 years after the completion of such a program or project. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers, and records of receipts which, in the opinion of the Secretary or of the Comptroller General, may be related or pertinent to such grants and contracts.

[Section 206 was repealed by section 4(a) of Public Law 102-186]

**SEC. 207. [33 U.S.C. 1126] SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.**

(a) DESIGNATION.—

(1) A sea grant college or sea grant institute shall meet the following qualifications—

(A) have an existing broad base of competence in fields related to ocean, coastal, and Great Lakes resources;

(B) make a long-term commitment to the objective in section 202(b), as determined by the Secretary;

(C) cooperate with other sea grant colleges and institutes and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

(D) have received financial assistance under section 205 of this title (33 U.S.C. 1124);

(E) be recognized for excellence in fields related to ocean, coastal, and Great Lakes resources (including marine resources management and science), as determined by the Secretary; and

(F) meet such other qualifications as the Secretary, in consultation with the Board, considers necessary or appropriate.

(2) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant college if the institution, association, or alliance—

(A) meets the qualifications in paragraph (1); and

(B) maintains a program of research, extension services, training, and education in fields related to ocean, coastal, and Great Lakes resources.

(3) The Secretary may designate an institution, or an association or alliance of two or more such institutions, as a sea grant institute if the institution, association, or alliance—

(A) meets the qualifications in paragraph (1); and

(B) maintains a program which includes, at a minimum, research and extension services.

(b) **EXISTING DESIGNEES.**—Any institution, or association or alliance of two or more such institutions, designated as a sea grant college or awarded institutional program status by the Director prior to the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, shall not have to reapply for designation as a sea grant college or sea grant institute, respectively, after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1998, if the Director determines that the institution, or association or alliance of institutions, meets the qualifications in subsection (a).

(c) **SUSPENSION OR TERMINATION OF DESIGNATION.**—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

(d) **DUTIES.**—Subject to any regulations prescribed or guidelines established by the Secretary, it shall be the responsibility of each sea grant college and sea grant institute—

(1) to develop and implement, in consultation with the Secretary and the Board, a program that is consistent with the guidelines and priorities established under section 204(c); and

(2) to conduct a merit review of all proposals for grants and contracts to be awarded under section 205.

(e) **ANNUAL REPORT ON PROGRESS.**—

(1) **REPORT REQUIREMENT.**—The Secretary shall report annually to the Committee on Resources and the Committee on Science of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, on efforts and progress made by colleges, universities, institutions, associations, and alliances to become designated under this section as sea grant colleges or sea grant institutes, including efforts and progress made by sea grant institutes in being designated as sea grant colleges.

(2) **TERRITORIES AND FREELY ASSOCIATED STATES.**—The report shall include description of—

(A) efforts made by colleges, universities, associations, institutions, and alliances in United States territories and freely associated States to develop the expertise necessary to be designated as a sea grant institute or sea grant college;

(B) the administrative, technical, and financial assistance provided by the Secretary to those entities seeking to be designated; and

(C) the additional actions or activities necessary for those entities to meet the qualifications for such designation under subsection (a)(1).

**SEC. 208. [33 U.S.C. 1127] FELLOWSHIPS.**

(a) **IN GENERAL.**—To carry out the educational and training objectives of this Act, the Secretary shall support a program of fellowships for qualified individuals at the graduate and post-graduate level. The fellowships shall be related to ocean, coastal, and Great Lakes resources and awarded pursuant to guidelines established by

the Secretary. The Secretary shall strive to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection. Every 2 years, the Secretary shall submit a report to the Congress describing the efforts by the Secretary to ensure equal access for minority and economically disadvantaged students to the program carried out under this subsection, and the results of such efforts.

(b) DEAN JOHN A. KNAUSS MARINE POLICY FELLOWSHIP.—The Secretary may award marine policy fellowships to support the placement of individuals at the graduate level of education in fields related to ocean, coastal and Great Lakes resources in positions with the executive and legislative branches of the United States Government. A fellowship awarded under this subsection shall be for a period of not more than 1 year.

(c) Restriction on Use of Funds<sup>1</sup>.—Amounts available for fellowships under this section, including amounts accepted under section 204(c)(4)(F) or appropriated under section 212 to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.

**SEC. 209. [33 U.S.C. 1128] NATIONAL SEA GRANT ADVISORY BOARD.**

(a) ESTABLISHMENT.—There shall be an independent committee to be known as the National Sea Grant Advisory Board.

(b) DUTIES.—

(1) IN GENERAL.—The Board shall advise the Secretary and the Director concerning—

(A) strategies for utilizing the sea grant college program to address the Nation's highest priorities regarding the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources;

(B) the designation of sea grant colleges and sea grant institutes; and

(C) such other matters as the Secretary refers to the Board for review and advice.

(2) BIENNIAL REPORT.—The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.

(c) MEMBERSHIP, TERMS, AND POWERS.—(1) The Board shall consist of 15 voting members who shall be appointed by the Secretary. The Director and a director of a sea grant program who is elected by the various directors of sea grant programs shall serve as nonvoting members of the Board. Not less than 8 of the voting members of the Board shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields included in marine science. The other voting members shall be individuals who, by reason of knowledge,

<sup>1</sup> So in law. The casing for the heading of subsection (c) of section 208 (as added by section 8(2) of Public Law 110-394) probably should appear in initial caps and small caps.

experience, or training, are especially qualified in, or representative of, education, marine affairs and resource management, coastal management, extension services, State government, industry, economics, planning, or any other activity which is appropriate to, and important for, any effort to enhance the understanding, assessment, development, management, utilization, or conservation of ocean, coastal, and Great Lakes resources. No individual is eligible to be a voting member of the Board if the individual is (A) the director of a sea grant college or sea grant institute; (B) an applicant for, or beneficiary (as determined by the Secretary) of, any grant or contract under section 205; or (C) a full-time officer or employee of the United States.

(2) The term of office of a voting member of the Board shall be 3 years for a member appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002, and 4 years for a member appointed or reappointed after the date of enactment of the National Sea Grant College Program Act Amendments of 2002. The Director may extend the term of office of a voting member of the Board appointed before the date of enactment of the National Sea Grant College Program Act Amendments of 2002 by up to 1 year. At least once each year, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Board.

(3) Any individual appointed to a partial or full term may be reappointed for one additional full term. The Director may extend the term of office of a voting member of the Board once by up to 1 year.

(4) The Board shall select one voting member to serve as the Chairman and another voting member to serve as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

(5) Voting members of the Board shall—

(A)<sup>1</sup> receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such Board; and

(B) be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(6) The Board shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the Director.

(7) The Board may exercise such powers as are reasonably necessary in order to carry out its duties under subsection (b).

(8) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.

#### **SEC. 210. [33 U.S.C. 1129] INTERAGENCY COOPERATION.**

Each department, agency, or other instrumentality of the Federal Government which is engaged in or concerned with, or which

<sup>1</sup>Margin so in law.

has authority over, matters relating to ocean, coastal, and Great Lakes resources—

(1) may, upon a written request from the Secretary, make available, on a reimbursable basis or otherwise any personnel (with their consent and without prejudice to their position and rating), service, or facility which the Secretary deems necessary to carry out any provision of this title;

(2) shall, upon a written request from the Secretary, furnish any available data or other information which the Secretary deems necessary to carry out any provision of this title; and

(3) shall cooperate with the Administration and duly authorized officials thereof.

[Section 211 was repealed by section 5(a) of Public Law 102-186]

**SEC. 212. [33 U.S.C. 1131] AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

- (A) \$72,000,000 for fiscal year 2009;
- (B) \$75,600,000 for fiscal year 2010;
- (C) \$79,380,000 for fiscal year 2011;
- (D) \$83,350,000 for fiscal year 2012;
- (E) \$87,520,000 for fiscal year 2013; and
- (F) \$91,900,000 for fiscal year 2014.

(2) PRIORITY ACTIVITIES.—In addition to the amounts authorized under paragraph (1), there are authorized to be appropriated for each of fiscal years 2009 through 2014—

- (A) \$5,000,000 for competitive grants for university research on the biology, prevention, and control of aquatic nonnative species;
- (B) \$5,000,000 for competitive grants for university research on oyster diseases, oyster restoration, and oyster-related human health risks;
- (C) \$5,000,000 for competitive grants for university research on the biology, prevention, and forecasting of harmful algal blooms; and
- (D) \$3,000,000 for competitive grants for fishery extension activities conducted by sea grant colleges or sea grant institutes to enhance, and not supplant, existing core program funding.

(b) LIMITATIONS.—

(1) ADMINISTRATION.—There may not be used for administration of programs under this title in a fiscal year more than 5 percent of the lesser of—

- (A) the amount authorized to be appropriated under this title for the fiscal year; or
- (B) the amount appropriated under this title for the fiscal year.

(2) USE FOR OTHER OFFICES OR PROGRAMS.—Sums appropriated under the authority of subsection (a)(2) shall not be available for administration of this title by the National Sea

Grant Office, for any other Administration or department program, or for any other administrative expenses.

(c) DISTRIBUTION OF FUNDS.—In any fiscal year in which the appropriations made under subsection (a)(1) exceed the amounts appropriated for fiscal year 2003 for the purposes described in such subsection, the Secretary shall distribute any excess amounts (except amounts used for the administration of the sea grant program) to any combination of the following:

- (1) sea grant programs, according to their performance assessments;
- (2)<sup>1</sup> regional or national strategic investments authorized under section 204(b)(4);
- (3) a college, university, institution, association, or alliance for activities that are necessary for it to be designated as a sea grant college or sea grant institute; and
- (4) a sea grant college or sea grant institute designated after the date of enactment of the National Sea Grant College Program Act Amendments of 2002 but not yet evaluated under section 204(d)(3)(A).

(d) AVAILABILITY OF SUMS.—Sums appropriated pursuant to this section shall remain available until expended.

(e) REVERSION OF UNOBLIGATED AMOUNTS.—The amount of any grant, or portion of a grant, made to a person under any section of this Act that is not obligated by that person during the first fiscal year for which it was authorized to be obligated or during the next fiscal year thereafter shall revert to the Secretary. The Secretary shall add that reverted amount to the funds available for grants under the section for which the reverted amount was originally made available.

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<sup>1</sup>Margin so in law.